



Kentucky Personnel Cabinet
Office of Diversity,
Equality & Training

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[HTTPS://PERSONNEL.KY.GOV/PAGES/DIVERSITY.ASPX](https://PERSONNEL.KY.GOV/PAGES/DIVERSITY.ASPX)

HARASSMENT OF ANY KIND WILL NOT BE TOLERATED

WHAT IS SEXUAL HARASSMENT?

Sexual harassment includes harassment based upon one's sex and can include requests for sexual favors, physical or verbal harassment of a sexual nature, unwelcome sexual advances, offensive touching, or lewd or sexually suggestive comments.

Two kinds of sexual harassment:

1. Quid Pro Quo
2. Hostile Work Environment

EEOC GUIDELINES ON SEXUAL HARASSMENT

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, **or**
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, **or**
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

TYPES OF HARASSMENT

Common types of harassment include:

VERBAL

- Offensive jokes and language, threats, and comments about a person's physical appearance or religious beliefs.

PHYSICAL

- Touching, holding, grabbing, and other unwanted gestures of a sexual or non-sexual nature.

NON-VERBAL

- Staring at a person's body, offensive gestures, and circulating degrading or offensive material.

EMPLOYEE RESOURCES:

[Employee Handbook](#)

[Personnel Cabinet's Equal Opportunity Webpage](#)

WHAT IS WORKPLACE HARASSMENT?

The Commonwealth of Kentucky defines workplace harassment as any unwelcome verbal or physical conduct based on race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity or expression, pregnancy or related medical condition, marital or familial status, ancestry, political affiliation, genetic information, or veteran status...

WHEN

The conduct culminates in a tangible employment action,

OR

The conduct was sufficiently severe and/or pervasive to create a hostile work environment.

POTENTIAL HARASSING BEHAVIORS

- Pervasive sexist comments
- Sexually suggestive jokes, stories, comments, posters, emails, texts
- Repeated sexual advances or request for dates
- Unwanted sexual attention (staring at or inappropriate touching of body)
- Repeated sexual comments about appearance, clothing or body parts
- Request for sex or sexual favors in exchange for job benefit
- Offensive comments about someone's sexual orientation or gender identity
- Employer awareness of inappropriate conduct but no action taken
- Inappropriate behavior during a virtual meeting or event

RETALIATION

Complaints of harassment will be promptly and carefully investigated, and all employees are assured that they will be free from any and all reprisal or retaliation from filing such complaints.

- It is unlawful for any employer to retaliate against an employee for filing a complaint and/ or participating in an investigation.
- Retaliation has occurred when a harassment victim suffers a negative action as a result of reporting the harassment.

Three essential elements of retaliation:

- Protected activity – opposition to discrimination or participation in the statutory complaint process.
- Adverse actions – denial of promotion, job benefits, demotion, suspension, termination, reprimands, negative evaluations
- Causal connection – between the protected activity and the adverse action

Protected Individuals includes those who:

- Oppose a practice made unlawful by one of the employment laws or policies; or
- File a charge, testify, assist, or participate in any manner in an investigation, proceeding, hearing or litigation under Title VII, the Age Discrimination in Employment Act (ADEA) or the Americans with Disabilities Act (ADA).

COMPLAINT FILING OPTIONS

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|---------------------------------|--|
| • Human Resources | • Personnel Board (30 Days minimum; see KRS 18A.095) |
| • Supervisor/Executive Director | • ODET (30 Days) |
| • Legal Office/General Counsel | • Kentucky Commission on Human Rights (180 Days) |
| • EEO Coordinator/Counselor | • EEOC (300 Days) |
| • Mediation (KEMP) | |
| • Grievance Process (30 Days) | |